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MINUTES OF THE COUNCIL AND GENERAL COURT
1624-1629*.

From the Originals in the Library of Congress.

(CONTINUED.)

*All erasures in the originals are here printed in italics.

[202.]

Y^t is ordered y^t John Geney in regarde of his Contempt against the Governor's express Comande and his Scandalous Speeches in Accusing Capt. Tucker wth murther, shalbe whipped and receave Sixtee Stripes, And also shall ask Capt. Tucker forgiveness in open Courte, as also in the publique congregation at Elizabeth Cyttie, And to pay Capt. Tucker 200 li. weight of Tobacco, And to be ymprisoned heere untill he put in very sufficyent bond to his good behaviour

Arthur Avelinge Sworne and exam'd sayeth, That be beinge at Damarells Cove in Canada abourde the Swan, one who came abourde asked Mr Nevell wherefore his *brother suffered death*, Mr Cornish was put to death, Then Edward Nevell answered he was put to death through a scurvie boy's means, & no other case [?] against him. Then the other man replied I have ill luck my brother came to such an end

Y^t is ordered y^t Edward Nevell(1) for his offence shall stand one ye pillory wth a paper on his head shewing the cause of his offence in the markett place, and to loose both his Eares and to serve the Colony for 8 yeares, And forever to be incapable to be A freeman of the Country

(1) Edward Nevell, who received this horrible punishment seems to have been a man of some standing, as he is frequently referred to in connection with Weston's ships. He may have been Weston's agent or the purser of one of his ships.

Mr Abraham Peersie doth testifie y^t Wm Geney(2) refused to make Satisfaction to Capt. Tucker for Mr. Rastell's dept according to his covenant, except Capt. Tucker would Satisfie an Account w^{ch} then he did p^duce.

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Y^t is ordered y^t Capt. Tucker shall pay Mr George Sandys fortie weight of tobacco for ye dept of Mr Rastell w^{ch} is dew for six bushell of corne dew, to be paid by bill this last Summer Arthur Avelinge by the oath he hath formerly taken deposeth y^t Wm Barker red the warrant to him, where he by name was comanded to appear at James Cyttie and y^t after Robert Cave[?] caled ye said deponent to come upp wth him accordinge to ye warrant, But he beinge Rich^d Evans servant, his said m^r answered he would see the warrant before he should come upp. Y^t is ordered y^t Richard Evans for his offence in disobeying the Governor's Comande shall lie neck and heeles 3 howers in ye markt place and shall pay 200 weight of Tobacco, Towards the buildinge of the new Bridges(3) at Elizabeth Cyttie, And be putt owt of his place, Except upon his good behaviour Capt Tucker shall approve him hereafter.

Wm Carter(4) sworne and examined sayeth That he drest[?] a Cow for Mr Allnutt in May last was twelve month for w^{ch} demandinge Xs. Mr Allnutt did not pay him, And the last springe there was a Cow of Mr Buck's children wth a fistula uppon the Eye w^{ch} at first deponent offered Mr Allnutt to have cared for as when the said [had?] the first Cow in cure, and about Easter last he offers Mr Allnutt [words illegible] to cure ye

(2) William Geny or Gany was living at Elizabeth City, in Feb. 1623. In the Census of 1624-5, the "Muster" of "Mr. William Gany" then included himself, aged 33, who came in the *George* in 1616, Ann his wife, aged 24, who came in the *Bona Nova* in 1620, Ann Gany born in Virginia, and six servants. The will of Margaret Cheesman, of St. Mary Magdalen, Bermondsey, widow, dated Jan. 15, 1679 (formerly of Virginia) left her kinswoman, Anne Gayney, 12 pence, evidently to cut her off from any further claim.

(3) These "bridges" may have been bridges in the modern sense or may have been wharves at Kecoughtan (Hampton). At that time the word had both meanings.

(4) William Carter, who appears to have been the expert cow-doctor, or veterinary of the Jamestown neighborhood, lived on James City Island in 1625.

cow w'th ye fistula for xxs. in money, as he might [be?] satisfied for the former cure w'ch Mr Allnutt refused sayinge he had rather give another man forty shillings than him xxs. and so put the cow to goodman Tree's man to Cure, who not beinge to Cure her Mr Allnut offered this deponent to give him content yf he would Cure her, but this deponent said that now he coulde not warrant her she was so far gone but thatt he would doe his best, and accordingly used his best skill, yett at length she dyed.

Abraham Porter(5) sworne and examined sayeth y^t he did see the cowe y^t was myred in the morninge, and was well [?] and after did find her ruined. But gott her owte and brought her home, but dyed, And further sayeth y^t he hath complayned to Mr Kingswell that they have away to[o] much milke from the calves

Y^t is ordered that Mr Alnutt in regard of his Necklect in looking to the cattle of the orphan Peleg Buck the son of Mr. Richard Buck shall pay one hundred pownde weight of the best merchantable Tobacco for the use of the said orphan and to be compeled to give Sufficent Securitie to the overseers of Mr Buck's will for Answeringe and makinge good the orphants stock, And that Peeter Longman and the other gardians shalbe compelled to give the said overseers Sufficent securitie for the answeringe and makinge good of the other orphants whole estate and stocks.

Robert Edwardes(5) and John Parsons do testifie y^t two barells of sheld Corne belonginge to John Ervins was putt into the loft at the old fort of Mr George Sandys, and y^t he gave certain ————— for ye allowance of shrinkage, and was to give the two barrells forth againe when he should demand it

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Y^t is ordered y^t there be a warrant sent for Mr Luke Boyse(6)

(5) Abraham Porter was 36 years old at the Census of 1624-5, and was a servant of Peter Longman of James City, with whom Benoni and Peleg Buck were living.

(5) Robert Edmunds and John Parsons, who came in the *Marygold* in 1619, lived on the Treasurers Plantation at James City 1624-5.

(6) Notes on Luke Boyse and Thomas Harris have already appeared. It is probable that Luke Boyse was the Luke Boyse of Herne, stated in Berry's *Kentish Genealogies*, to have been a son of Thomas Boys, of Eythorne, baptized May 29, 1579, and to have had an only daughter Ann. The Virginia Luke Boyse was aged 44 in 1724-5 (therefore born in 1581) and had an only daughter Alice. It is possible that his age given in the census may be incorrect.

and Thomas Harris to be heere one mondye come fortnight to testifie in the behalf of Henry Williams, w'ch day of appearance is the 23th of January 1625.

Wm English(7), gente.; sworne and examined sayeth y^t Mr Rastell before his departure left order w'th this deponent and Capt. Tucker for to allow of such charges as Mr Geny should approve to have laide owt for apparell for Mr Rastell's servants wh. thee were [letters illegible] inge w'th Mr Geny and y^t in their discretion should finde Mr Geny's account to be reasonable.

Capt. Tucker doth acknowledge y^t there are Certen accompts dew from Mr Rastell to Mr Geney, But Mr Rastell told Capt. Tucker y^t he would nott allow of those accompts w'ch Mr Geny challenged from him.

Y^t is ordered y^t in regard Mr Geny hath fayled in p'forminge of an order of Courte bearing date [blank] in not bringing over his shallops lodinge of Corne for Mr Chew, And after uppon a second agreement for ye bringing over of fortie boushells of Corne in lew therof for Mr Chew & hath fayled of p'formance of y^t also, y^t is ordered he shall pay twenty boushells of good Indyan Corne to Mr Chew or his assigns in James Cyttie presently, And y^t he remained prysoner until he hath paid ye same.

[206.]

Y^t is ordered y^t Nicholas Weasell(8) for taking awaye Henry Geney's boate w'thout his leave or knowledge w'ch there uppon was buldge [bildged] and spoyled, beinge a Tenant to halfes shall serve the said Henry Geny for this yeare, The said Henry Geny discharg his rent dew to the Company, beinge five hundred weight of good merchantable Tobacco stript and three barrells of good Indyan corne, and to give Securitie for the pay-

(7) William English was a member of the House of Burgesses for Elizabeth City 1629, 1630 and 1632-3, and was a justice of the first Court of York County July 12, 1633. In 1635 he took an active part in the opposition to Governor Harvey and was imprisoned by him; but was soon released by the removal of the Governor.

(8) At the Census of 1624-5, Nicholas Weasell, aged 28, who came in the *Abigail* in 1621, was one of the servants of Sargent William Barry at Elizabeth City.

ment therof, And the said Henry Geny to fine [find] him sufficient meate drinke and Apparel' duringe that Tyme And further y^t the said Nicholas Weasell for his offence to the end his punishment may deterr others from the like, shall do execution uppon Nevell and John Geyney Accordinge to their Sentences and y^t he afterwards shalbe whipped at Elizabeth Cyttie.

Y^t is ordered y^t Henry Geny for his contempt in goinge A Tradinge Contrary to the Proclamation shall pay three hundred weight of the best merchantable Tobacco, to be ymployed for the Buildinge of the new Bridges at Elizabeth Cyttie, and to putt in good securities for the good behaviour thereafter, w^{ch} Tobacco shalbe brought home to Capt. Tucker's howse.

[207.]

A recorde of a Specialtie, James Cyttie the 6th of June 1625 Memorandum. I Humphrey Rastell of London, merchant doe confes to owe unto the worp'll George Sandys Threas'r six boushells of the smaler new measure of sheld tradinge Indyan corne to be paide unto the saide Mr Sandys or to his assignes w^{thin} xxv dayes after my departure this river to goe over the baye and for trew p'formance I binde my selfe and my Executors in double the value of the abovesaide Corne and in witnes of the truth have hereunto putt my hande the day and yeere abovesaid

Humfrey Rastell

The marke E. C. of Elias Conye

and Thomas Swyft

Wm Pery gent. sworne and examined sayeth y^t Mr Robert Langley *sent for* him, this deponent, one Sunday nyght, and the mondye this deponent went over to him, findinge him lyinge in this deponents bed very Sicke, And said to this deponent, I have *sent for* been with Mr Pountis to be my overseer [of his will], and have sent for you for the like after w^{ch} woordes this deponent dep'ted and that nyght Mr Langly departed this lief, And further sayeth That Mr Pountis told this deponent y^t he had been wth the Governor aboute Mr Langley's busines, And the Governor told Mr Pountis y^t he did like well Y^t he and this deponent should be Mr Langley's overseers, And moreover this

deponent sayeth y^t the Governor willed Mr Pountis to goe aboard and looke for A will, and Mr Pountis sayeth of Mr Langley's will that [it] was begun but not finished.

[208.]

Wheras William Geny is by bond to pay Mr Rastell five hundred weight of Tobacco & eight barrells of corne of w^{ch} there is to be abated for a man y^t died in August fiftie weight of Tobacco and a barrell of corne, And wheras Mr Geny bringeth in an Accompt to default of the saide dept Capt. Tucker doth allow for the said Accompt 250 weight of Tobacco, Provided that thereafter Mr Rastell shall show sufficyent cause to this Courte why the said 250 weight of Tobacco shall not be allowed to Mr Geny That this Mr Geny shalbe lyable to give him sattisfaction.

It is ordered that Southampton hundred shall pay the remainder of a Thowsand of Tobacco w^{ch} is unpaide, dew to Mr Sandys(9) by an order of Courte to the administratrix of Mr Sandys estate

Y^t is ordered y^t Mr Stogden shall receave twelve hundred weight of Tobacco dew from George Medcalfe(10) to Mr Rastell And owt of the said 1200 weight to sattisfie Lieut. Barry and John Warner 700 weight of Tobacco dew to them from Mr Rastell for nott bringinge in two servants for them by Threasurer [a ship?] According to agreement And the other 500 weight remayninge of ye 1200, and 400 weight received by Mr Stogden of Gregorie Dory, y^t is ordered y^t Mr Stogden shall putt in sufficyent securitie to Mr Rastell or his assigns for him, y^t he send Mr Rastell by the first of February next send in a dyscharge from George Gauntlett accordinge to an order made the 27th of January 1624.

(9) This was David Sandys, who had been minister for Southampton Hundred.

(10) George Medcalfe's "Muster" at Elizabeth City in the Census of 1624-5, included himself, aged 46, Sara Medcalfe (no doubt his wife), aged 30, who came in the *Hopewell*, 1624, and Joane, a child. "Mr. Stogden" was Jonas Stockden, the minister.

[209.]

A Court held the 9th of January 1625 being p'sente

Sir ffancis Wyat, knight, Governor &c., Capt. Francis West, Capt Roger Smith, Capt Raphe Hamor, Capt Mathews, Mr Abraham Persie, Mr William Cleybourne

Y^t is ordered y^t Mr Watson shall give securitie to Mr Abraham Persy for a dept to Mr Langley where Capt Whittakers & Thomas fflint stand Charged in Mr Langley's bookes, That yf the Court shall awarde ye said Tho fflynt to pay the said dept y^t this ye said Edward Waters shall give him securitie and y^t the matter shall rest in suspense untill the xxth of November next y^t in the meane tyme the Court may heere from Capt Whittakers, supposed to be principall deptor, And y^t Mr Tokeley may send over the letters of Administration owt of England granted to him.

Y^t is ordered y^t Mr Moone shall pay & bringe in to Capt Wm Pearce before mondye next Cominge Sixtee weight of ye best merchantable Tobacco, dew unto him by bill, ells y^t therbe execution granted against him

William Douglass sworne and examined sayeth [blank]

[210.]

Robert Partin(11) sworne and examined sayeth y^t on mondye

(11) The very disgraceful dispute between Rev. Greville Pooley and Thomas Pawlett which was examined at this session of the Court seems to have created a great sensation and moved the councillors to profound indignation. It is the only instance on these records where the opinions of the members of the Court are given separately, and it is the first reference to any misconduct on the part of a minister in Virginia. Greville Pooley came to Virginia in the *James* in 1622 and became minister of the country now in Charles City and Prince George. At the Census of 1624, he was living at Pierseys Hundred, near the present Shirley. He had become noted by his unsuccessful courtship of the widow of Samuel Jordan of Jordan's Journey (now Jordan's Point) and had sued her for breach of contract. This matter has already been published among the Court notes. The only excuse for Pooley's behavior in the present instance is that his conduct towards Mrs. Jordan showed that he was a man of eccentricity—not a little unbalanced in mind. Thomas Pawlett, who was aged 40 in 1625 and who had come in the *Neptune* in 1618, lived at West and Shirley Hundred not far away. He was a son of Chidioc Pawlett and a grandson of William Pawlett, 1st Marquis of Winchester. From the fact that in 1625 he had but one servant and from a reference in one of the opinions it is evident that he was at this time a man of comparatively small means; but later he evidently acquired or

morninge beinge Sct Stephens d'ye Mr Pooley and divers of the Congregation mett to Pray and there during wor[ship?] Mr Pawlett heering Mr Pooley use his name, came into the Congregation sayinge w't is y^t you say of Pawlett, To w'ch Mr Pooley replied, I say you will not pay me your Tithe Tobacco, and after some replyes past to and again between them, Mr Pooley gave Mr Pawlett the lye and Mr Pawlett said he was a proude priest and a periured man, and Taxt him with symonie and briberie, and swore by ye lords blude he would prove it against him, but whether Mr Pooley gave Mr Pawlett the lye before Mr Pawlett said the woords he knows not.

Ensign Francis Epps sworne and examined sayeth that uppon Sct Stephens d'ye in the morninge Mr Pooley and others of the p'she beinge together about the removinge of the Church, Mr Pooley affirmed y^t Mr Pawlett desired to have ye Church removed from Mr Briggs Howse to his howse, and Mr Pawlett said it was false wheruppon Mr Pooley said it was not false, Mr Pawlett said again it was false, Then Mr Pooley told Mr Pawlett y^t he lied, Then Mr Pawlett called him blockheaded parson, w'th some other ye like words y^t passed between them on both sides and taxed Mr Pooley with speaking false latten and teach-

inherited property as on Jan. 15, 1637, he patented 2000 acres at Westover, and resided there until his death. He was a member of the House of Burgesses and the Council, and his in will, dated Jan. 12, 1643-4, left most of his estate to his brother Sir John Pawlett, but also gave 10 acres to Westover Church. Robert Partin's "Muster" at West and Shirley Hundred in the Census of 1624-5, includes himself, aged 36, who came in the *Blessing* in 1609, Margaret his wife, aged 36, who came in the *George*, 1617, Robert, aged 4 months, Avis, aged 5 years and Rebecca, aged 2 years, their children, and two servants.

Ensign Francis Eppes was the ancestor of the well-known Virginia family of that name, of which a genealogy has appeared in this Magazine.

In 1624-5, Samuel Sharpe who came in the *Seaventure* in 1609 with his wife Elizabeth, who came in the *Margaret & John*, 1621, and one servant were living at Pierseys Hundred. Like Thomas Pawlett, Samuel Sharpe had been a member of the House of Burgesses in 1619, and was again a member in October 1629.

Lieut. Thos. Osborn, also the ancestor of a well-known family of his name (of which some account has been given in this Magazine) then lived at the College Land on James River just above Dutch Gap. It is probable that the other church at which Pooley engaged to serve was at Henricopolis (Dutch Gap).

The name written Briggs should doubtless be Biggs. In 1624 Richard Biggs lived at West and Shirley Hundred. Later the church of that parish was removed to Westover, then the home of Thomas Pawlett.

ing false doctrines, and charged him with Symony and bribery. And Mr Pooly on the other side cal'd Mr Pawlett base basterd fellow and that he went up & downe ye countrey singinge baudie songes and many fowle tearmes passed between them, but all the p'ticulars and in w't order they passed between them he doth not p'r rightly remember.

[211.]

Samuell Sharpe, gent., sworne and examined sayeth, That the occasion of the Speeches was trewly sett downe in the sworne oathes of Ensign Epps and Robert Partain, and ye many fowle woordes of p'vocation, as foole, dunce, base fellow and the like passed between them, & p'ticularly he remembreth that Mr Pooly gave Mr Pawlett ye lye firste, accordinge to his relation and the deposition of Ensign Epps, he remembreth also, that Mr Pawlett charged Mr Pooly w'th Symony & bribery and teachinge false doctrine, and y^t he was a periured man.

Lieut. Thomas Osborne sworne and examined Sayeth y^t wheras Mr Pooly was to Transporte him selfe to their Plantacon and to be there every fowerth Sundye, for w'ch he was to have double meanes, after w'ch agreement Mr Pooly was absent xi weekes together, In regard wherof he was contented to take ordinary meanes, soe y^t they would undertake to feach [fetch] But after he came to feach his tythes he demanded to have double meanes according to his bill, w'ch the[y] refused to paye, wheruppon he came to this deponent and said that yf he would let the rest pay him, That then he would acquitt this deponent for his tyths, payinge the ordinary meanes.

The opinion of Mr Wm Cleybourne is y^t Concerninge the Contention and quarrell between Mr Poolie and Mr Pawlett, y^t neither of them should recover any Damages eyther from the other, for y^t the offence given one both partes were most vile and exorbitant both of them equally as he thinketh havinge Contended to debase and wronge ye p'son of the other, so y^t all through Mr Pawlett must be acknowledged to have exceeded[?] in the fowlest manner yett the offence of Mr Pooly is nevertheless the greatest, his Censure therefore was, That they shall equally both of them forfeit & paye 200 weight of Tobacco,

and moreover in regarde as swilee[?] the fault of Mr Pawlett is greater Considered by itselfe, Therefore his opinion ys y^t he shall in the open Congregacon where the offence was Comitted Publicly acknowledge his fault & offence not so much respecting any wrong to Mr Poolies person, but that should be any Satisfaction done to him selfe as humbly to protest to the whole Congregacon his sorrow for his offence in regard his affronts y^t he Taxeth Mr Pooley wth his doctrine or wth symony, puriury, bribery and ye like, and likewise his opinion is y^t Mr Pooley should openly in like manner acknowledge his offence to the Congregacon then offended.

[213.]

Y^t is the opinion of Abraham Peirse as he understandeth by the witnesses Sworne and Examined, that Mr Pooley and Mr Pawlett did equall one & other in base and Obrobious Speeches, but That Mr Pawlett did exceed in most Scandalous manner against Mr Pooley in taxing Mr Pooley that he was per-iured man, and did teache Faulse doctrine & had Comitted bribery and simony, for so much as that Mr Pawlett hath not by wittnes proved any one of those foule Slanders against Mr Pooley I am of opinion that Mr Pawlett should according to the use [?] of the Generall Assembly Ask Mr Pooley forgiveness before the Congregacon of his owne p'sh and that Mr Pawlett shall give Mr Pooley five hundred pownd weight of Tobacco

My opinion is according and Consenting wth Mr William Cleybourne.

Samuell Mathewes

Capt. Hamor's opinion

My opinion is y^t both of them should acknowledge their offence in the Congregacon, and also ask each other forgiveness, & that Mr Pawlett doe first acknowledge his offence, That Mr Pawlett be fined 300 weight of Tobacco, and Mr Pooley two hundred weight.

Capt. Roger Smith his opinion is agreeable to and consenting with Mr Wm Cleybourne.

Capt. Fra. West his opinion is y^t ye grossest woordes Mr Pawlett gave to Mr Pooley cannot equall the lie, w^{ch} woorde touch-

eth his reputation in the highest nature, and a gentleman value-inge it as nere and deere unto him as his lief, now for reparacon of the offences one to the other, they shall acknowledge their offences in ye Congregacon where the offence was comitted and Mr Pawlett fined 200 weight and Mr Pooly 500 of Tobacco.

[214.]

Y^t is the opinion of the Governor y^t Mr Pawlett shall in the said Congregacon where the said woordes were spoken ask the Congregacon forgiveness for the great scandal given them, and Mr Poolie for the obprobious wordes used against him, And that Mr Pooly shall doe the like ask forgiveness for same as well of ye Congregacon as of Mr Pawlett, Their offences both in regard of their p'sons, the one the minister, the other the Comander of the Plantacon, as also in regard p'vokinge Speeches, w'ch passed one both sides being in a manner equall, but that Mr Pawlett charged Mr Pooly with false doctrines, Symony and periury, w'ch are woordes of a higher nature and doe bear an Acc'on in law, that he shall pay Mr Pooly 300 weight of Tobacco, w'ch fine is made no greater, as well because p'voking speeches passinge one both sides Collier [choler?] is to have Transported Mr Pawlett in p'te through Mr Poolies owne faulte, as also y^t censure of fines must be made according to mens estates.

Thomas Marlett(12) sworne and examined Sayeth y^t the d'ye after Christmas in Ano 1624 Mr Binns hired John Smith for a yeeres service.

James Toake(13) sworne and examined sayeth y^t Mr Binns told this deponent he had hired John Smith for A yeeres service from Christmas in Ano 1624 to Christmas last past.

Y^t is ordered y^t John Smith shall serve Mr Binns untill the first of february next.

(To be continued)

(12) Thomas Marlett lived at the College Land Feb. 1623, but does not appear in the Census of 1624-5. He was a member of the House of Burgesses, March 1623-4.

(13) James Toake or Tuke lived at Pashbehaigh's, James City in 1625, and was a Burgess for Isle of Wight Co., January 1639. His will was dated Feb. 1, 1659 and proved in Isle of Wight. His legatees were his daughter Dorothy, wife of John Harvey, and sons William and Thomas, to the last of whom he gave his signet seal ring.